IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.349 OF 1987

Mahadu Bhika Nawale ... Appellant.
Versus.
Shivling Gangadhar Sonawane & anr. ... Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 19th January, 2005.

P.C.:

1. Civil Application No.1156 of 2002 was filed by the legal representatives of the deceased Appellant for bringing their names on record of the Second Appeal. Notice was issued on the said Application. The Notice issued to the Respondents Nos.1 and 2 was received back unserved with the report of the Bailiff that the said Respondents have expired. The report of the Bailiff is dated 8th January 2003. Consequently the Civil Application was rejected as abated by order dated 16th April 2003. It is very clear from the report of the Bailiff that the Respondents have expired long back and the Application is not made for bringing on record their legal representatives within the stipulated period of limitation. Hence the Second Appeal stands dismissed as abated. No order as to costs.

Judge.